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DATE FILED: 7-23-09

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSHUA DENT,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.
-----X

09 Civ. 1598 (VM)

CONDITIONAL
ORDER OR DISCONTINUANCE

VICTOR MARRERO, United States District Judge.

Counsel for defendants, on behalf of the parties, having notified the Court, by letter dated July 22, 2009, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within sixty (60) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the

plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

The conference scheduled for July 23, 2009 is canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to withdraw any pending motions and to close this case.

SO ORDERED.

Dated: New York, New York
23 July 2009

A handwritten signature in black ink, appearing to read 'Victor Marrero', is written over a horizontal line.

VICTOR MARRERO
U.S.D.J.



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
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July 22, 2009

BY FASCIMILE (212) 805-6382

Honorable Victor Marrero
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Joshua Dent v. City of New York, et al., 09 CV 1598 (VM)

Dear Judge Marrero:

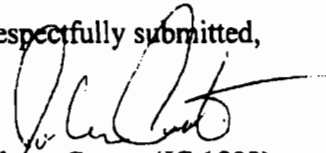
I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney for defendants in above-referenced matter. I am writing on behalf of the parties to respectfully request that the Court conference scheduled for tomorrow, July 23, 2009 at 3:15 p.m. be adjourned.

The reason for this request is that the parties have settled the action in principle. Today, July 22, 2009, the parties agreed on a settlement and defendants are in the process of sending plaintiff's counsel the settlement paperwork. The Stipulation of Settlement and Order of Dismissal will be forwarded to the Court as soon as this office receives it fully executed from plaintiff's counsel.

In view of the foregoing, it is respectfully requested that the Court grant the within request to adjourn the July 23, 2009 conference, without further date.

Thank you for your consideration in this regard.

Respectfully submitted,



Johana Castro (JC 1809)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: BY FASCIMILE (212) 986-6250
Christopher De Turk Galiardo, Esq.
Myers & Galiardo, LLP
122 East 42nd Street, Suite 2710
New York, NY 10168



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
FACSIMILE TRANSMISSION

TO: Honorable Victor Marrero
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

FROM: Ezra Schulman
Assistant Corporation Counsel
Ezschulm@law.nyc.gov
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(212) 788-9776 (fax)

FAX #: (212) 805-6382

DATE: July 22, 2009

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Message:

Re: Joshua Dent v. City of New York, et al., 09 CV 1598 (VM)

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